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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Albania, Argentina, Armenia, Australia, Austria, Belgium, Belize, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Monaco, Morocco, Namibia, Netherlands, Norway, Pakistan, Panama, Poland, Portugal, Republic of Korea, Russian Federation, Rwanda, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office 1/ and the report of the Executive Committee of the Programme of the High Commissioner on the work of its forty-sixth session, 2/

Recalling its resolution 49/169 of 23 December 1994,

1/ Official Records of the General Assembly, Fiftieth Session, Supplement No. 12 (A/50/12).

2/ Ibid., Supplement No. 12A (A/50/12/Add.1).

Emphasizing the primacy of the 1951 Convention 3/ and the 1967 Protocol 4/ relating to the Status of Refugees as forming the international legal basis for the protection of refugees, and noting with satisfaction that 130 States are now parties to one or both instruments,

Reaffirming the purely humanitarian and non-political character of the activities of the Office of the High Commissioner, as well as the crucial importance of the High Commissioner's functions of providing international protection to refugees and seeking solutions to refugee problems,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities, paying tribute to those staff members who have endangered or lost their lives in the course of their duties, and emphasizing the urgent need for effective measures to ensure the security of staff engaged in humanitarian operations,

Distressed at the continued suffering of refugees for whom a solution has yet to be found, and noting with deep concern that refugee protection continues to be jeopardized in many situations as a result of denial of admission, unlawful expulsion, refoulement, unjustified detention, other threats to their physical security, dignity and well-being and failure to respect and ensure their fundamental freedoms and human rights,

Welcoming the continuing strong commitment of States to providing protection and assistance to refugees and the valuable support extended by Governments to the High Commissioner in carrying out her humanitarian tasks, and commending those States, particularly the least developed and those hosting millions of refugees over long periods of time, which, despite severe economic, development and environmental challenges of their own, continue to admit large numbers of refugees into their territories,

Concerned that statelessness, including the inability to establish one's nationality, may result in displacement, and stressing, in this regard, that the prevention and reduction of statelessness and the protection of stateless persons are important also in the prevention of potential refugee situations,

1. Strongly reaffirms the fundamental importance of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking solutions to refugee problems, and the need for States to cooperate fully with the Office in order to facilitate the effective exercise of that function;

2. Calls upon all States that are not yet party to accede to, and all States to implement fully, the 1951 Convention and its 1967 Protocol relating to the Status of Refugees, and relevant regional refugee instruments, as applicable, for the protection of refugees;

3/ United Nations, Treaty Series, vol. 189, No. 2545.

4/ Ibid., vol. 606, No. 8791.

3. Also calls upon all States to uphold asylum as an indispensable instrument for the protection of refugees, to safeguard the right to seek and enjoy in other countries asylum from persecution and to ensure respect for the principles of refugee protection, including the fundamental principle of non-refoulement, as well as the humane treatment of asylum-seekers and refugees in accordance with internationally recognized human rights and humanitarian norms;

4. Reaffirms the continued importance of resettlement as an instrument of protection;

5. Reiterates its support for the role of the Office of the High Commissioner in exploring further measures to ensure international protection to all who need it, consistent with fundamental protection principles reflected in international instruments, and looks forward to the informal consultations of the Office of the High Commissioner on the subject;

6. Calls for a more concerted response by the international community to the needs of internally displaced persons and, in accordance with its resolution 48/116, reaffirms its support for the High Commissioner's efforts, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations and with the consent of the State concerned, and taking into account the complementarities of the mandates and expertise of other relevant organizations, to provide humanitarian assistance and protection to such persons, emphasizing that activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and enjoy in other countries asylum from persecution;

7. Reiterates also the relationship between safeguarding human rights and preventing refugee situations, recognizes that for States to fulfil their humanitarian responsibilities in reintegrating returning refugees and in addressing some of the causes of refugee movements, an effective human rights regime is essential, including institutions which sustain the rule of law, justice and accountability, and in this connection calls upon the Office of the High Commissioner to strengthen its activities in support of national legal and judicial capacity-building, where necessary, in cooperation with the United Nations High Commissioner for Human Rights;

8. Reiterates further the critical importance of development and rehabilitation assistance in addressing some of the causes of refugee situations, and also in the context of development of prevention strategies;

9. Condemns all forms of ethnic violence and intolerance, which are among the major causes of forced displacements, as well as an impediment to durable solutions to refugee problems, and appeals to States to combat intolerance, racism and xenophobia and to foster empathy and understanding through public statements, appropriate legislation and social policies, especially with regard to the special situation of refugees and asylum-seekers;

10. Welcomes the Platform for Action adopted at the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995, 5/ particularly the strong commitment made by States in the Platform to refugee women and other displaced women in need of international protection, and calls upon the High Commissioner to support and promote efforts by States towards the development and implementation of criteria and guidelines on responses to persecution, including persecution through sexual violence or other gender-related persecution, specifically aimed at women for reasons enumerated in the 1951 Convention and 1967 Protocol, by sharing information on States' initiatives to develop such criteria and guidelines and by monitoring to ensure their fair and consistent application;

11. Reiterates that, the grant of asylum or refuge being a peaceful and humanitarian act, refugee camps and settlements must maintain their exclusively civilian and humanitarian character and all parties are obliged to abstain from any activity likely to undermine this, condemns all acts that pose a threat to the personal security of refugees and asylum-seekers, and also those that may endanger the safety and stability of States, calls upon States of refuge to take all necessary measures to ensure that the civilian and humanitarian character of refugee camps and settlements is maintained, and further calls upon States of refuge to take effective measures to prevent the infiltration of armed elements, to provide effective physical protection to refugees and asylum-seekers and to afford the Office of the High Commissioner and other appropriate humanitarian organizations prompt and unhindered access to them;

12. Encourages the High Commissioner to continue her activities on behalf of stateless persons, as part of her statutory function of providing international protection and of seeking preventive action, as well as her responsibilities under General Assembly resolutions 3274 (XXIV) of 10 December 1974 and 31/36 of 30 November 1976;

13. Requests the Office of the High Commissioner, in view of the limited number of States party to these instruments, actively to promote accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as to provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation to interested States;

14. Calls upon States to adopt nationality legislation with a view to reducing statelessness, consistent with fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and by eliminating provisions that permit the renunciation of a nationality without the prior possession or acquisition of another nationality;

15. Reaffirms that voluntary repatriation, when it is feasible, is the ideal solution to refugee problems, reiterates the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions that allow voluntary repatriation of refugees in safety and with dignity and, in recognition of the

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5/ A/CONF.177/20, chap. I, resolution 1, annex II.

obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who are not recognized as refugees;

16. Calls upon all States to promote conditions conducive to the return of refugees and to support their sustainable reintegration by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office of the High Commissioner and relevant development agencies;

17. Recalls Economic and Social Council resolution 1995/56 of 29 July 1995 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations, and welcomes the decision of the Executive Committee to review in the course of 1996 aspects of that resolution relevant to the work of the Office of the High Commissioner;

18. Notes with appreciation the programme policies established by the Executive Committee of the High Commissioner's Programme and underscores the importance of their implementation by the Office of the High Commissioner, implementing partners and other relevant organizations in order to ensure the provision of effective protection and humanitarian assistance to refugees;

19. Reaffirms the importance of incorporating environmental considerations into the programmes of the Office of the High Commissioner, especially in the least developed and developing countries that have hosted refugees over long periods of time, welcomes efforts by the Office of the High Commissioner to make a more focused contribution to resolving refugee-related environmental problems, and calls upon the High Commissioner to promote and enhance coordination and collaboration with host Governments, donors, relevant United Nations organizations, intergovernmental organizations, non-governmental organizations and other actors concerned to address refugee-related environmental problems in a more integrated and effective manner;

20. Recognizes the importance of the introduction of Russian as an official language of the Executive Committee of the Programme of the High Commissioner in facilitating the work of the High Commissioner and implementation of the provisions of the 1951 Convention relating to the Status of Refugees, notably in the Commonwealth of Independent States;

21. Calls upon all Governments and other donors to show their international solidarity and burden-sharing with countries of asylum through efforts aimed at alleviating the burden borne by States that have received large numbers of refugees, in particular those with limited resources, and to contribute to the programmes of the Office of the High Commissioner and, taking into account the effect on countries of asylum of the increasing requirements of large refugee populations, and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and other displaced persons of concern to the Office of the High Commissioner are met.